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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/672,641 | 09/26/2003 | Rami Caspi | 2003P08214US | 8212 |

7590 09/18/2006

Siemens Corporation
Attn: Elsa Keller, Legal Administrator
Intellectual Property Department
170 Wood Avenue South
Iselin, NJ 08830

EXAMINER

LA, NICHOLAS T

ART UNIT PAPER NUMBER

2617

DATE MAILED: 09/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-------------------------------|------------------------------|--|
| Office Action Summary | Application No. 10/672,641 | Applicant(s) CASPI ET AL. | |
| | Examiner Nicholas T. La | Art Unit 2617 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 August 2006.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) 11 and 16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12-15 and 17-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

Response to Arguments

Applicant's arguments with respect to claim 1-32 have been considered but are moot in view of the new ground(s) of rejection.

Claims 11, 16 have been cancelled.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1) Claim 1-3, 5, 7-18, 24 are rejected under 35 U.S.C. 102(e) as being unpatentable over Knauerhase et al. (US Pub. No. 2003/0104819).

Regarding **claim 1**, Knauerhase et al. teaches a telecommunications system, comprising:

a plurality of network clients (Figure 1, elements 140, 142, 144) including a positioning controller (Figure 3, element 366; paragraph [0040]) and a communications controller (Figure 3, element 360; paragraph [0037]); and

a positioning server including a coordinating controller for maintaining a database of network clients to be tracked and provide updates of position-related information to a presence server (Figure 2, element 160, 207, 260; paragraph [0028]), the location server and present server could be implemented within the same server or they could be in separate/remote servers from each other, to coordinate/mapping networks clients to real time location coordinates and updates presence information to the presence server (Figure 6, block 630; paragraph [0022], [0027]-[0028], [0058]), the presence server defining one or more associated location/presence correlation pairs defining a geographical area and corresponding presence status; wherein a presence status is maintained if the network client is within the borders of the geographical area (paragraph [0060], [0062], [0067]-[0069]; Knauerhase et al. teaches return "do not disturb" only if the location matches the location of the meeting room; return "busy" at a movie theater; return "available" if the location is indicating the car; return "unavailable" if the user is in the restroom); and

a mapping engine for defining the geographical area (paragraph [0028]);

wherein said plurality of network clients are configured to transmit position information received via said positioning controller to said positioning server via said communications controller (Figure 3, controller, elements 360; network adapter, element 345; paragraph [0037], [0047]).

Regarding **claim 2**, Knauerhase et al. further teaches a telecommunications system, wherein said positioning controller receives global positioning network signals for determining a position of an associated network client (paragraph [0028]).

Regarding **claim 3**, Knauerhase et al. further teaches a telecommunications system, wherein said communications controller comprises a cellular network controller for transmitting on a cellular telephone network to said positioning server (paragraph [0047]).

Regarding **claim 5**, Knauerhase et al. further teaches a telecommunications system, wherein positioning server includes an Instant Messaging message generator for communicating said updates to said presence server (paragraph [0030]).

Regarding **claims 7, 8**, Knauerhase et al. further teaches a telecommunications system, wherein said presence server/positioning server maintains a database of location and presence correlation pairs for registered users and receives location updates from/to said positioning server/presence server (Figure 2, element 265; paragraph [0027]-[0028]). Knauerhase et al. teaches a versatile system, wherein there are possibilities of separation between positioning server and presence server or combined with full functional capabilities of location storage and correlation pairs for registered users and provide/receive location updates from each other.

Regarding **claim 9**, Knauerhase et al. further teaches a telecommunications device, comprising:

a positioning controller adapted to determine positioning information for said telecommunications device (Figure 3, 6, element 366, block 610, paragraph [0040]);
and

a cellular telephone controller adapted to receive said positioning information from said positioning controller and cause said positioning information to be transmitted to an associated server (Figure 3, 6, element 360, block 610-640; paragraph [0040], [0058]-[0059]).

wherein the telecommunication device includes a rules database and is configured to receive one or more location correlation rules for storing in the rules database from a user mapping engine (paragraph [0040], [0057]-[0061])

Regarding **claim 10**, Knauerhase et al. further teaches a telecommunications device, wherein said positioning controller receives Global Positioning System (GPS) signals to determine said positioning information (paragraph [0058]).

Regarding **claims 12, 13**, Knauerhase et al. further teaches telecommunications, wherein said cellular telephone controller transmits changes to location and presence status to said associated server (Figure 6-7; blocks 610-640; paragraph [0058]-[0059]).

Regarding **claim 14**, Knauerhase et al. further teaches a telecommunications device, wherein said cellular telephone controller receives updates to said rules database from said associated server (paragraph [0061]).

Regarding **claim 15**, Knauerhase et al. teaches a telecommunications server, comprising:

a presence control unit adapted to receive and maintain presence information for a plurality of users (Figure 2, element 265; paragraph [0026]-[0028]); and

a location control unit adapted to receive and maintain location information for said plurality of users, said location information correlated with said presence information (Figure 2, element 265, 270; paragraph [0027]-[0028]), and

a first interface for receiving predefined presence-location correlation rules from associated users, said rules including a geographical area defined by a mapping engine (paragraph [0060]-[0061]; Knauerhase et al. teaches the presence server receives presence rules from the mobile done by query the user to input presence rules; paragraph [0057]-[0059], the presence server uses the data such as location, associated state, and associated presence information supplied by to update presence information for the mobile station; the mapping process further discussed in paragraph [0062]-[0069]).

Regarding **claims 17, 18**, Knauerhase et al. further teaches a telecommunications server, including a first interface for receiving predefined presence-

location correlation rules from associated users, wherein receiving said location information comprises receiving use-positioning updates from a remote user from an operably coupled wireless network, wherein said operably coupled wireless network comprises a cellular telephone network (Figure 6, 7, paragraph [0058]-[0059]).

Regarding **claim 24**, Knauerhase et al. further teaches a telecommunications method, comprising:

generating one or more user position positioning and presence correlation rules, said generating including defining one or more geographical areas using a mapping engine (paragraph [0028], [0040], mapping location; paragraph [0060], [0062], [0067]-[0069]; Knauerhase et al. teaches return "do not disturb" only if the location matches the location of the meeting room; return "busy" at a movie theater; return "available" if the location is indicating the car; return "unavailable" if the user is in the restroom)

receiving said one or more user positioning and presence correlation rules at a local controller (Figure 6, paragraph [0058]-[0059]); and

transmitting said one or more positioning and presence correlation rules to a remote device (Figure 6, paragraph [0058]).

2) Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Knauerhase et al. (US Pub. No. 2003/0104819) and further in view of Miyamoto (US Pub. No. 2003/0114171).

Regarding **claim 4**, Knauerhase et al. teaches a telecommunications system with a positioning server communicating updates to presence server, however fails to teach a telecommunication system, wherein positioning server includes an e-mail message generator for communicating said updates to said presence server. Nevertheless, it is common and well known in the art for a server with means that allow capability of e-mail message generation to send information to another server/device. In an analogous art, Miyamoto teaches a position data notification system and position data notification method. Miyamoto further teaches a position search server with a "email creating section 203" to generate email messages (Figure 7, element 203; paragraph [0031]). Therefore, it would have been obvious to one skilled in the art at the time of the invention was made to modify Knauerhase et al. to include an e-mail message generator such as taught by Miyamoto for communicating presence/position-related information updates to presence server to facilitate the flexibility in methods of information transmission between the servers.

3) Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Knauerhase et al. (US Pub. No. 2003/0104819) and further in view of Zmokek (US Pub. No. 2003/0154293).

Regarding **claim 6**, Knauerhase et al. further teaches a telecommunications system, wherein the position server updates presence related information to a presence server. However, Knauerhase et al. does not teach a telecommunication system,

Art Unit: 2617

wherein positioning server includes a Session Initiation Protocol (SIP) message generator for communicating said updates to said presence server. In an analogous art, Zmolek teaches a system for presence tracking and name space interconnection techniques. Zmolek further teaches a telecommunication system, wherein Session Initiation Protocol (SIP) is employed to allowed servers providing services (paragraph [0005]). Therefore, it would have been obvious to one skilled in the art at the time of the invention was made to modify Knauerhase et al. system to include a telecommunication system, wherein positioning server includes a Session Initiation Protocol (SIP) message generator for communicating said updates to said presence server such as taught by Zmolek in order to facilitate media-independent signaling and the implementation of presence and availability of the device.

4) Claims 19-20, 22-23, 25-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knauerhase et al. (US Pub. No. 2003/0104819) and further in view of Giniger et al. (US Patent No. 6,985,742).

Regarding **claim 19**, Knauerhase et al. teaches an automatically updating presence information system, wherein the server receiving updating location information from a remote user from an operably couple wireless network. However, Knauerhase et al. does not specifically teach such implementation of the system in a personal communication service (PCS) network. In an analogous art, Giniger et al. teaches a method and apparatus for providing position-related information to mobile recipients.

Giniger further teaches the cellular network is a personal communication service (PCS) network to deliver information to/from mobile unit (col. 14, line 39 to 60). Therefore, it would have been obvious to one skilled in the art at the time of the invention was made to modify Knauerhase et al. cellular telephone network to a personal communication service network (PCS) such as taught by Giniger et al.. This will enhance the system flexibility of working on a different network such as PCS network.

Regarding **claim 20**, Knauerhase et al. and Giniger et al. further teaches a telecommunications server, further comprising a second interface for transmitting user-positioning updates to an operably coupled enterprise server (see Giniger et al.; col. 7, line 18 to 33).

Regarding **claim 22**, Knauerhase et al. and Giniger et al. further teaches a telecommunications server, wherein said receiving said user-positioning updates comprises receiving said user-positioning updates via a telephone dial-in (see Knauerhase, paragraph [0061]) and said second interface comprises a text messaging interface (see Knauerhase et al., paragraph [0019]-[0020]).

Regarding **claim 23**, Knauerhase et al. does not teach a telecommunication further comprising a second interface for transmitting user-positioning updates to one or more local users. Giniger et al. teaches a telecommunications server, further comprising a second interface for transmitting user-positioning updates to one or more

local users (col. 7, line 18 to 33). Giniger further teaches a server with capability to transmit/ receive information in a packet telephony format (col. 19, line 47 to col. 20, line 8). Therefore it would have been obvious to one skilled in the art to employed such protocol that also taught by Giniger et al. to implement the system of transmitting user-positioning updates to one or more local users for different purposes such as advertising, emergency, ect.

Regarding **claim 25**, Knauerhase et al. teaches receiving positioning updates at said remote device (Figure 6, paragraph [0058]). However, Knuerhase et al. does not teach transmitting presence updates to other local controllers or remote devices as specified in said one or more positioning and presence correlation rules. In an analogous art, Giniger et al. teaches transmitting presence updates to other local controllers or remote devices as specified in said one or more positioning and presence correlation rules (see Giniger et al., col. 5 5, line 32 to 35; col. 7, line 18 to 33). Therefore, it would have been obvious to one ordinary skilled in the art at the time of the invention to modify Knauerhase et al. to include Giniger et al. feature of transmitting presence updates to other local controllers or remote devices as specified in said one or more positioning and presence correlation rules in order to facilitate services such as advertising, emergency, ect.

Regarding **claim 26**, Knauerhase et al. and Giniger et al. further teaches a telecommunications method, wherein said receiving one or more user positioning and

Art Unit: 2617

presence correlation rules comprises receiving at a server one or more rules set via a network interface device operably coupled to said one or more local controllers (see Knauerhase et al., Figure 6, paragraph [0057]-[0061]).

Regarding **claim 27**, Knauerhase et al. and Giniger et al. further teaches a telecommunications method, wherein said receiving positioning updates comprises receiving one or more signals from a global positioning network (paragraph [0058]).

Regarding **claim 28**, Knauerhase et al. and Giniger et al. further teaches a telecommunications method, further comprising transmitting positioning updates from said remote device to one or more servers via a radio-linked network (see Giniger et al., col. 7, line 18 to 33).

Regarding **claims 29, 30**, Knauerhase et al. and Giniger et al. further teaches a telecommunications method, wherein said radio-linked network comprises a cellular telephone network / personal communication service (PCS) network (see Giniger et al., col. 14, line 39 to 60).

Regarding **claims 31, 32**, Knauerhase et al. and Giniger et al. further teaches a telecommunications method, wherein said one or more user positioning and presence correlation rules comprise one or more time-of-day parameters/ day-of-week

parameters (see Knauerhase et al., Figure 4, 5; paragraph [0038]-[0041]) in inherency of Knauerhase et al. teaches about a calendar function that is part of the presence rules.

5) **Claim 21** is rejected under 35 U.S.C. 103(a) as being unpatentable over Knauerhase et al. (US Pub. No. 2003/0104819) in view of Giniger et al. (US Patent No. 6,985,742) and further in view of Miyamoto (US Pub. No. 2003/0114171).

Regarding **claim 21**, Knauerhase et al. and Giniger et al. further teach a telecommunications server, wherein said receiving said user-positioning updates comprises receiving said user-positioning updates via a telephone dial-in (see Knauerhase, paragraph [0061]); however fail to teach second interface comprises an email interface. In an analogous art, Miyamoto further teaches said second interface comprises an e-mail interface (Figure 7, element 203; paragraph [0031]). Therefore, it would have been obvious to one ordinary skilled in the art to modify Knauerhase et al. and Giniger et al. to include an email interface to facilitate the flexibility in methods of information transmission.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

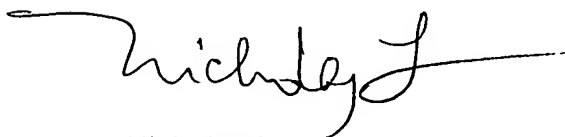
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas T. La whose telephone number is (571)-272-8075. The examiner can normally be reached on Mon-Fri 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571)-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2617

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Nicholas La
08/25/2006



LESTER G. KINCAID
SUPERVISORY PRIMARY EXAMINER